

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
JASPER DIVISION**

CLAY WALLACE HODGE,

Petitioner,

VS.

Civil Case No.: 6:06-CV-761-PWG

**GWENDOLYN MOSLEY, WARDEN;
ATTORNEY GENERAL FOR THE
STATE OF ALABAMA,**

Respondents.

MEMORANDUM OF OPINION

The magistrate judge filed findings and recommendation on August 18, 2006, recommending that the petition for writ of habeas corpus be dismissed as untimely. No objections have been filed by either party.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the court is of the opinion that the magistrate judge's findings are due to be and are hereby **ADOPTED** and his recommendation is **ACCEPTED**. Accordingly, the petition for writ of habeas corpus is due to be **DISMISSED** as untimely. A Final Judgment will be entered.

DONE and **ORDERED** this 18th day of September, 2006.

RO PM

R. DAVID PROCTOR
UNITED STATES DISTRICT JUDGE